

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-25 are now pending. In this Reply, Applicants have amended the title of the invention. Furthermore, Applicants have amended independent claims 1, 7, and 12 and have added new claims 14-25.

With regard to the objection to the title, Applicants respectfully request that the Examiner withdraw this objection in view of the new title.

**Prior Art Rejections**

**1. Rejections Based on Seseek**

Claims 1, 2, 4-7, and 9-13 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0103144 A1 to *Seseek et al.* (hereinafter "*Seseek*"). Claims 3 and 8 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Seseek*.

*Seseek* published on June 5, 2003 based on an application filed December 4, 2001. Therefore, the earliest prior art date of *Seseek* under 35 U.S.C. § 102(e) is December 4, 2001. The present application claims priority of JP 2000-397729, filed in Japan on December 27, 2000. Attached to this Reply, Applicants provide a certified translation of JP 2000-397729, which supports the claims of this application. In view of this translation, Applicants respectfully submit that *Seseek* does not qualify as prior art

against claims of this application and respectfully request that all rejections based on *Sesek* be withdrawn.

2. Rejections Based on *Parulski*

Claims 1 and 7 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent 5,943,603 to *Parulski et al.* (hereinafter "*Parulski*"). This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

Independent claim 1 is directed to a communication terminal capable of sending and receiving information to and from a communication apparatus on a network via a cellular phone. The communication terminal of claim 1 comprises: a receiving device which receives connection information for making communication connection to the communication apparatus on the network from the cellular phone; and a transmitting and receiving device which sends and receives information to and from the communication apparatus on the network based on the connection information received from the cellular phone, wherein the communication terminal is separate from the cellular phone and is locally positioned relative to the cellular phone when receiving the connection information.

In an embodiment illustrated in Figs. 7-9, *Parulski* discloses a combined cellular phone/digital camera arrangement 48. As such, *Parulski* clearly does not disclose a communication terminal of the

type recited in claim 1, which is separate from a cellular phone and is locally positioned relative to the cellular phone when receiving connection information.

According to MPEP § 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claims." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

At least in view of the above, Applicants respectfully submit that *Parulski* fails to anticipate claim 1. Furthermore, Applicants respectfully submit that *Parulski* fails to anticipate independent claim 7 based on similar reasoning.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 102 based on *Parulski*.

#### Conclusion


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicants respectfully petition for a one (1) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$120.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART KOLASCH & BIRCH, LLP

BY   
D. Richard Anderson, #40,439

DRA/jdm  
0879-0366P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment: Verified translation of JP 2000-397729